

## **REMARKS**

### **Rejections Under 35 U.S.C. § 102(b)**

Claims 3 and 4 have been canceled, so the rejection of those claims is now moot.

Claims 2, 5, and 7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Browning et al. 2,707,069 (“Browning”). Applicants respectfully disagree.

Claim 2 has been amended and now recites a universal collar comprising “a body defining an axial bore and having a first flange and a second flange, said bore extending at least between said first flange and said second flange, wherein said flanges extend radially outward and are axially spaced from each other.” Browning does not disclose the claimed body or the claimed flanges. With respect to the claimed body, Browning does not disclose a body defining an axial bore and having a first flange and second flange where the bore extends at least between the first flange and the second flange. The figures make it clear that Browning does not disclose a body defining an axial bore where the bore extends between what the Examiner has identified as the first flange and the second flange.

With respect to the claimed flanges, Browning does not disclose a body having flanges that extend *radially* outward. Instead, Browning teaches a casing 11 having an integral “c-clamp” that is used to attach the casing 11 to a “soda foundation” (or tabletop) 13. Neither the top flat edge of the c-clamp which contacts the soda foundation 13, nor the smaller flat portion on the screw which secures (as at 12) the c-clamp to the soda foundation 13, extends radially outward from the casing 11.

Moreover, casing 11 is not secured to container 14 since container 14 with valve housing 15 is simply placed into casing 11 to rest therein by gravity, the container 14 only being supported against “downward and lateral displacement” (column 2, lines 2-4). This is not “secured” as required in Applicant’s claim 2.

Claim 5 is patentable over Browning for many of the reasons discussed with respect to claim 2. In addition, claim 5 recites, *inter alia*, a universal collar comprising a body, “wherein said body includes a top edge, said top edge defining a locating recess for receipt of a projection on the container, said recess having a base and a pair of upstanding sides, wherein said sides are circumferentially spaced from each other for receipt of the projection therebetween.” In rejecting this claim based on Browning, the Examiner did not identify what structure of the

casing 11 reads onto the top edge and the locating recess. Although the Examiner mentions “a recess 19,” the elongated recess 19 shown in Browning does not disclose the claimed locating recess since it does not have the *base* and circumferentially spaced upstanding sides for receiving a projection as required by the claim. Reconsideration is earnestly solicited.

Claims 2 and 5-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Murphy 2,091,518 (“Murphy”). Applicants respectfully disagree.

The structural features disclosed in Murphy are similar to what is disclosed in Browning, so the following argument parallels the argument made with respect to Browning.

Claim 2 has been amended and now recites a universal collar comprising “a body defining an axial bore and having a first flange and a second flange, said bore extending at least between said first flange and said second flange, wherein said flanges extend radially outward and are axially spaced from each other.” Murphy does not disclose the claimed body or the claimed flanges. With respect to the claimed body, Murphy does not disclose a body defining an axial bore and having a first flange and second flange where the bore extends at least between the first flange and the second flange. The figures make it clear that Murphy does not disclose a body defining an axial bore where the bore extends between what the Examiner has identified as the first flange and the second flange.

With respect to the claimed flanges, Murphy does not disclose a body having flanges that extend *radially* outward. Instead, Murphy teaches a stand 10 having an integral “c-clamp” 19 that is used to attach the stand 10 to a counter 20. Neither the top flat edge of the c-clamp 19 which contacts the counter 20, nor the smaller flat portion on the screw which secures the c-clamp 19 to the counter 20, extends radially outward from the stand 10.

Moreover, as in the Browning reference, stand 10 is not secured to jug 11 since jug 11 with faucet cap 12 is simply placed into stand 10. See, column 2, lines 3-8:

*In the preferred form of construction, the lower edge of the faucet cap 12 does not rest upon the bottom or interior wall of the base 10 at any point, its entire weight and that of the jug 11 being supported by the rim or edge 14 of the base 10.*

Claim 5 is believed patentable over Murphy for many of the reasons discussed with respect to claim 2. In addition, claim 5 recites, *inter alia*, a universal collar comprising a body,

“wherein said body includes a top edge, said top edge defining a locating recess for receipt of a projection on the container, said recess having a base and a pair of upstanding sides, wherein said sides are circumferentially spaced from each other for receipt of the projection therebetween.” Again, the Examiner has not identified what structure in Murphy is the top edge, but the slot 21 shown in Murphy does not disclose the claimed locating recess since it does not have the *base* and circumferentially spaced upstanding sides for receiving a projection as required by the claim.

Claim 6 depends from claim 5 and recites that “one of said sides extends perpendicular to said base and the other of said sides extends obliquely relative to said base.” Although the Examiner asserts that “recess 21...can have an oblique side as shown at 29 and 30 in modified recess 28,” the cited structure is not even related to the stand 10 (body). Instead, the inside edges 29 and 30 are structural features of the cap member 26’ which is part of the faucet cap 12. The faucet cap 12 is not part of the stand 10. Thus, Murphy does not disclose a body including a top edge, where the top edge defines a locating recess having a base and a pair of upstanding sides, wherein one of the sides extends perpendicular to the base and the other of the sides extends obliquely relative to the base.

Reconsideration is earnestly solicited.

In addition, the Applicants note that neither Browning nor Murphy addresses the problem solved by the present invention and discussed in the claims, namely providing a universal collar that bypasses a keying system in a dispenser. The Applicants disagree with the Examiner’s assertion that “the keyed dispensing system is not party of the claimed combination, only the collar” in view of the Federal Circuit’s guidance that:

*If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is ‘necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999).*

and

*A claim preamble has the import that the claim as a whole suggests for it. Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995).*

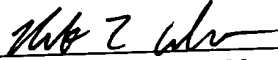
See also, MPEP § 2111.02. When read as a whole, the features recited in the preambles of claims 2 and 5 clearly give meaning to the claim in that they describe *how* the claimed universal collars are associated with specific other components in a dispenser. Therefore, the recitation in the claims of features of a keying system in a dispenser should not be ignored.

### Conclusion

In light of the foregoing, a Notice of Allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

In the event that any fees are due with the filing of this Amendment, the Commissioner is hereby authorized to charge deposit account 18-0987.

Respectfully submitted,

  
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